

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4691-01
Bill No.: HB 1551
Subject: Children and Minors; Family Law; Family Services Division
Type: Original
Date: April 15, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 3 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and the **Department of Social Services - Family Support and Children's Divisions** assume this proposal would not fiscally impact their agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

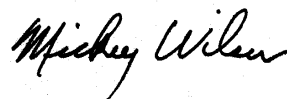
Current law allows grandparents to be granted visitation with their grandchildren by a court under certain circumstances. One circumstance is when the child is adopted by a stepparent, another grandparent, or another blood relative. This proposal removes the provision allowing grandparents to be granted visitation in that circumstance.

Current law requires the court to find that visitation is in the best interests of the child in order to grant visitation to the grandparents. The proposal removes that requirement. The proposal states that it is a rebuttable presumption that fit parents know what is in the best interests of their children. It requires the court to find that a child would suffer harm or a serious likelihood of harm before ordering visitation rights to grandparents over the objection of the parents. The proposal defines "harm or a serious likelihood of harm" as clear and convincing evidence that without visits with the grandparents, the child's emotional or physical well-being would be jeopardized. It allows the court to order a home study if the petitioning grandparent raises questions about the fitness of the child's parents. It also requires the petitioning grandparent to be responsible for all guardian ad litem fees.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administration
Department of Social Services
Family Support Division
Children's Division



Mickey Wilson, CPA
Director
April 15, 2004